

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER OF FORFEITURE/ <u>MONEY JUDGMENT</u>
DAVID MALEH,	:	
Defendant.	:	S10 19 Cr. 463 (DLC)
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WHEREAS, on or about August 19, 2020, DAVID MALEH (the “Defendant”), was charged in a Superseding Indictment, S10 19 Cr. 463 (DLC) (the “Indictment”), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property real and personal, involved in the offense charged in Count One of the Indictment or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count One of the Indictment;

WHEREAS, on or about March 24, 2021, the Defendant pled guilty to Count One of the Indictment pursuant to a plea agreement with the Government;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$102,000 in United States currency representing the amount of property involved in the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count One of the Indictment cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys, Aline R. Flodr, Stephanie Lake, and Sheb Swett of counsel, and the Defendant, and his counsel, Nicholas D. Smith, Esq., that:

1. As a result of the offense charged in Count One of the Indictment to which the Defendant pled guilty, a money judgment in the amount of \$102,000 in United States currency (the "Money Judgment"), representing the amount of property involved in the offense charged in Count One of the Indictment, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DAVID MALEH, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

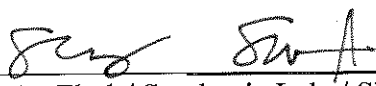
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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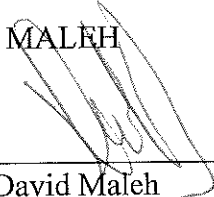
8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

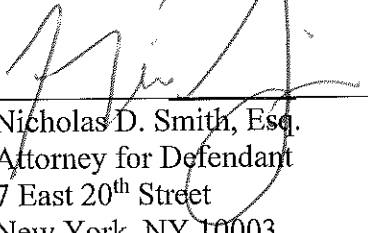
AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By:   
Aline R. Flodr/ Stephanie Lake/ Sheb Swett  
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6/25/2021  
DATE

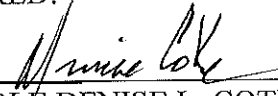
DAVID MALEH  
By:   
David Maleh

6/25/21  
DATE

By:   
Nicholas D. Smith, Esq.  
Attorney for Defendant  
7 East 20<sup>th</sup> Street  
New York, NY 10003

6/25/21  
DATE

SO ORDERED:

  
HONORABLE DENISE L. COTE  
UNITED STATES DISTRICT JUDGE

June 25, 2021  
DATE